

## DECISION



THE COMPTROLLER GENERAL  
OF THE UNITED STATES  
WASHINGTON, D.C. 20548

10,139

FILE: B-194414

DATE: May 14, 1979

MATTER OF: Wells Manufacturing

## DIGEST:

[Protest alleging solicitation improprieties]  
which is filed after closing date for receipt  
of proposals is untimely and not for con-  
sideration on merits.

AG 01566

Wells Manufacturing Company (Wells) protests a solicitation impropriety in request for proposals (RFP) No. FTGG-Z-36350, a small business set-aside, issued by the General Services Administration (GSA) for the procurement of conveyor toasters. Wells contends that the specifications contained in the RFP were restrictive in that the small business set-aside "limits the competitive bidding to one company and is not in the best interest of government purchasing." Wells seeks resolicitation of the RFP without the small business restriction. *which, it contends \**

AGC 00017

This allegation relates to an impropriety in the RFP. Section 20.2(b)(1) of our Bid Protest Procedures, 4 C.F.R. § 20.2(b)(1) (1978), provides that a protest based on an alleged impropriety in any type of solicitation, which is apparent prior to bid opening or the closing date for receipt of initial proposals must be filed "prior to bid opening or the closing date for receipt of initial proposals." The closing date for the receipt of proposals was March 27, 1979. The protest was filed (received) in our Office on April 20, 1979.

Consequently, the protest is untimely filed and not for consideration on the merits. See Complete Building Maintenance Co., Inc., B-190996, January 19, 1978, 78-1 CPD 52; Universal Building and Maintenance, Inc., B-190996, January 31, 1978, 78-1 CPD 85.

The protest is dismissed.

Milton J. Socolar  
General Counsel

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